

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 14496, of 216 7th Street Associates, pursuant to Paragraph 8207.11 of the Zoning Regulations, for variances from the floor area ratio requirements (Paragraph 5301.11) and the parking requirements (Sub-section 7202.1) to construct a two-story rear addition to the premises in a C-2-A District at premises 216 - 7th Street, S.E., (Square 900, Lot 67).

HEARING DATE: October 15, 1986
DECISION DATE: November 5, 1986

FINDINGS OF FACT:

1. The subject property is located on the east side of 7th Street, S.E., between North Carolina Avenue, S.E. on the north and Pennsylvania Avenue, S.E. on the south. It is situated directly across the street from the Eastern Market and is in the C-2-A District.

2. The subject site has an average width of 19.75 feet and is rectangular in shape, containing 2,353.65 square feet of lot area.

3. The site is presently improved by a two-story, stucco and wood structure on the front half of the property, and a one-story, wood and tin addition on the rear. The existing structure was built in the 19th Century and modified a number of times since its original construction. The rear portion of the building is in an extremely run-down and dilapidated condition. The front portion of the building is presently used as an antique shop.

4. The existing structure sits generally face on line along the northern lot line. However, a narrow exterior walkway, approximately 4.5 feet in width, presently extends from the (west) property line along the south side of the property, between the building and the south property line to the alley at the rear of the property. Due to the height of the adjacent building, it does not receive any sunlight. Trash collects in the area and people frequently urinate in it.

5. The subject site is located within the Capitol Hill Historic District, and any development of the site is subject to review and approval by the District of Columbia Historic Preservation Review Board. The Preservation Review

Board has determined that the original structure, fronting on 7th Street, S.E., possesses historical merit and has directed applicant to preserve the front half of the original structure. The Board has granted applicant permission to demolish the more recent, dilapidated rear addition.

6. Pursuant to Paragraph 8207.11 of the Zoning Regulations, the applicant is seeking a variance from the floor area ratio requirements (Paragraph 5301.11) and the parking requirements (Sub-section 7202.1) to construct a two-story rear addition at the site. The applicant proposes to replace the existing rear addition with a new, two-story office/retail addition.

7. The gross floor area of the existing structure is 1,927.87 square feet. The gross floor area of that portion of the existing structure which applicant is required to retain is 915 square feet and the gross floor area of the proposed, two-story addition is 2,152.7 square feet, a total of 3,067.7 square feet of gross floor area in the proposed structure.

8. The applicant also proposes to construct a glass canopy or skylight over the walkway and courtyard entrance to the proposed rear addition. The glass skylight will be constructed at the roof level of the retained and new structures. The total lot area covered by the skylight is 624.8 square feet, and the resulting gross floor area chargeable to applicant due to the skylight being affixed at the top of the second floor is 1,249.6 square feet.

9. The allowable gross floor area for the subject site is 3,530.47 square feet. The total gross floor area in the proposed structure, including the skylight, is 4,317.3 square feet, of which 1,249.6 square feet is attributable to the enclosure of the walkway and courtyard entrance to the new addition. With the skylight, the proposed structure exceeds the allowable floor area ratio by 786.83 square feet. Without the skylight, the proposed structure is 462.9 square feet less than the floor area allowed.

10. The District of Columbia Historic Preservation Review Board has approved the style and design of the applicant's proposed new addition and skylight.

11. Sub-section 7202.1 of the Zoning Regulations requires four off-street parking spaces to be provided for the proposed, enlarged building. The applicant proposes to provide two parking spaces on-site at the rear of the property. A variance of 50 percent of the parking requirements is therefore required.

12. The applicant studied the possibility of redesigning the building in order to accommodate the required parking.

The site is too narrow and too shallow to allow a rear driveway or an underground ramp. If the proposed structure were shortened in depth to create four spaces, a variance would be required to allow "stacked" parking.

13. On-street and public parking is available in the area. The site is convenient to a public parking garage at 7th and C Streets, S.E., having approximately 125 underground public parking spaces, and there is adequate metered parking on both sides of the 200 block of 7th Street, S.E. Free parking is also available at the rear of Eastern Market. The Eastern Market Metro subway entrance, at 7th Street and Pennsylvania Avenue, S.E., can be reached by foot within a 3 to 5 minute walk.

14. Advisory Neighborhood Commission (ANC) 6B, by letter dated October 8, 1986, voted in favor of the application by a majority vote, both with respect to the variance from the floor area requirements and parking. The Commission's position was based, inter alia, on the intended use being in keeping with and appropriate to the surrounding uses, and its findings that the economic viability of the project necessitated additional floor area in excess of that allowed. The ANC also found that the restoration and practical reuse of the property warranted the grant of the variances and that there was adequate availability of off-street and metered parking in the area.

15. By letter dated October 15, 1986, the Capitol Hill Restoration Society, Inc. reported that its Zoning Committee revised the application and could not support the requests for variances as they found no unique shape or topography of the parcel. It further reported that it was aware of the need for additional retail space in the area and that a fair portion of the floor area of the proposed project does not constitute rentable space. It stated that it would support the project if the overhang at the rear of the structure were eliminated. The Board does not find that the proposed modification to the plans would materially benefit the neighborhood.

16. The President of the Capitol Hill Association of Merchants and Professionals (CHAMPS), an organization of approximately 185 retail and professional businessmen working or living on Capitol Hill, testified in support of the application. The witness was of the opinion that the structure was a needed and significant rehabilitation of the existing site and would contribute necessary services to the community, as well as enhance the streetscape. He further testified that in his opinion there was adequate off-street and metered parking to compensate for the two parking spaces which the applicant is unable to provide. He considered the glass-enclosed walkway and courtyard entrance to the proposed new addition an amenity essential to public patronage of

the proposed building and its economic viability. He testified that the walkway, which the applicant is required to preserve, is narrow, dark and uninviting. In order to attract patrons and customers to the rear addition, he stated that in his opinion it is necessary to keep the walkway and courtyard lighted, sheltered from the rain and snow and decorated.

17. The President of the Market Row Association and a resident of the neighborhood submitted letters stating their support for the application on the grounds that it will enhance the commercial growth and stability of the neighborhood and the requested variances will not have substantial detrimental effects on the area.

18. Two residents of the square in which the subject site is located submitted a letter to the record in opposition to the application on the grounds that the parking problem in the area is severe and they are concerned about the loss of privacy a two-story addition would cause. The Board finds that the granting of the parking variance will not have any significant impact on the area parking problems and that the addition may be constructed to two stories as a matter-of-right.

CONCLUSIONS OF LAW AND OPINION:

Based on the foregoing Findings of Fact and the evidence of record, the Board concludes that the applicant is seeking area variances from the requirements of Sections 5301.11 and 7202.1 of the Zoning Regulations, the granting of which requires a showing of an exceptional or extraordinary condition, inherent in the property itself, which creates a practical difficulty upon the owner. The Board concludes that the combined requirements of the Historic Preservation Review Board, the size and configuration of the property and its location within the Capitol Hill Historic District represent an extraordinary condition inherent in the property. The Board notes the importance of the glass skylight over the walkway and courtyard to the viable development of the site, the community support for this amenity and the absence of any feasible, alternative methods of addressing the difficulty created by the requirement that the side walkway be retained. The Board further concludes the strict application of the Zoning Regulations would create a practical difficulty upon the owner in construction a building in full compliance with the Zoning Regulations on the subject lot due to the aforementioned exceptional conditions of the site.

The Board concludes that the requested relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose and


integrity of the Zone Plan as embodied in the Zoning Regulations and map.

The Board further concludes that it has accorded to the ANC the "great weight" to which it is entitled. It is therefore ORDERED that the application is GRANTED SUBJECT to the CONDITION that construction shall be in accordance with the plans marked as Exhibit No. 8 of the record.

VOTE: 3-1 (Patricia N. Mathews, Paula L. Jewell and Carrie L. Thornhill to grant; William F. McIntosh opposed; Charles R. Norris not voting, not having heard the case).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:


EDWARD L. CURRY
Acting Executive Director

FINAL DATE OF ORDER: DEC 19 1986

UNDER SUB-SECTION 8204.3 OF THE ZONING REGULATIONS, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS.

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